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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHAUN TAYLOR,

Plaintiff,

vs.

CLARK COUNTY SCHOOL DISTRICT;
KEITH FRANCE, an individual; DOES 1-10;
ROE CORPORATIONS 1-10,

Defendant.

CASE NO.: 2:18-cv-01264-KJD-VCF

**STIPULATION AND ORDER TO
STAY DISCOVERY**

(FIRST REQUEST)

Plaintiff Shaun Taylor and Defendants Clark County School District and Keith France (collectively, "Defendants"), by and through their attorneys of record, hereby stipulate and agree pursuant to Local Rule 7-1 as follows:

1. The parties stipulate that discovery in this matter be stayed until a ruling on Defendants' Motion to Dismiss the Amended Complaint (ECF No. 40) has been obtained.

2. On November 19, 2018, Defendants filed a Motion to Dismiss (ECF No. 15) seeking dismissal of Plaintiffs' claims for Title VII race discrimination (first cause of action); Title VII retaliation (second cause of action); abuse of process (fourth cause of action); defamation (fifth cause of action); and intentional infliction of emotional distress (sixth cause of action). Plaintiff opposed to the Motion (ECF No. 20) and Defendants filed a Reply (ECF No. 21)

1 3. On June 11, 2019, the Court granted Defendants’ Motion, in its entirety, and only
2 granted Plaintiff leave to amend two claims— the defamation (fifth cause of action) and intentional
3 infliction of emotional distress (sixth cause of action) claims. (ECF No. 36).

4 4. On July 2, 2019, Plaintiff filed an Amended Complaint asserting a claim for
5 defamation (first cause of action) and for intentional infliction of emotional distress (second cause
6 of action). ECF No. 39.

7 5. Defendants renewed the request for dismissal, on July 16, 2019, on the basis that the
8 Amended Complaint added no factual allegations to support the two claims. ECF No. 40. Plaintiff
9 opposed Defendants’ Motion (ECF No. 41), and Defendants filed a Reply (ECF No. 43).

10 6. As identified in the filings, Plaintiff’s claims may now be barred under the
11 applicable statute of limitations. Accordingly, if Defendants’ Motion to Dismiss is granted, it can
12 be entirely dispositive of the case and render the entirety of the litigation moot.

13 7. The parties agree it is in the best interest of all parties to await the Court’s ruling on
14 the Motion to Dismiss (ECF No. 40) prior to incurring the additional time and expense of
15 depositions and the filing of dispositive motions, in the event the Court dismisses the action in
16 whole or in part.

17 8. Federal district courts have “wide discretion in controlling discovery.” *Little v. City*
18 *of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). In exercising this discretion, a district court may stay
19 discovery based on the filing of a motion that is “potential dispositive of the entire case.” *Tradebay,*
20 *LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011); Fed. R. Civ. P. 26(b)(1) (courts are to
21 balance the expense of discovery against its likely benefit); Fed. R. Civ. P. 1 (the Federal Rules of
22 Civil Procedure “should be construed, administered, and employed ... to secure the just, speedy,
23 and inexpensive determination of every action and proceeding”). As such, it is within the Court’s
24 power to grant a stay of discovery at this time.

25 9. The pending Motion to Dismiss, if granted, may dispose of the entirety of the
26 litigation. Accordingly, the parties, after consultation with one another, have determined it would
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1 be in the best interest of each respective side to ask this Court to grant a stay until the Court renders
2 a decision on the pending Motion to Dismiss.

3 10. It is respectfully submitted neither side believes this minor delay will cause harm to
4 their ability to do discovery in the matter nor will it cause either side to be in a worse position. The
5 parties believe that, by not expending more funds or time until this matter is resolved, the parties
6 have set themselves in the best position possible to preserve resources and protect their respective
7 funds. The interests of litigation efficiency and judicial economy are also promoted.

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9 Dated this 21st day of August, 2019.

Dated this 21st day of August, 2019.

10 LIZADA LAW FIRM, LTD.

CLARK COUNTY SCHOOL DISTRICT
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11
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18 **ORDER**

19 **IT IS SO ORDERED.**

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21 UNITED STATES MAGISTRATE JUDGE

22 DATED: 8-22-2019
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